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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,270	10/27/2003	Shoichiro Komiya	8201	2804

7590 09/17/2004

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EXAMINER

JONES, DAVID B

ART UNIT	PAPER NUMBER
3725	

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/694,270

Applicant(s)

Komiya

Examiner

David B. Jones

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1201/2003
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. It would appear that the application is a translation from a foreign document and as such contains recitations that are non-idiomatic and thus fail to comply with U.S. patent practice. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

2. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims appear to be a translation from a foreign document and as such contain recitations that are non-idiomatic in nature and fail to comply with U.S. claim drafting patent practice. In claim 1, the limitation "or the like" has been deemed to be indefinite by the US Patent and Trademark Board of Appeals because the metes and bounds of the limitation cannot be ascertained; this limitation can be found in lines 1, 3, 4/5. Further in claim 1, the limitation "bridged on the bend" is not understood further "the bend" lacks antecedent basis. Further in the claim the limitation, "the bend or articulation inner peripheral side" unclear and renders the claim indefinite. Finally, "at on the bend outer peripheral" and "is openably provided" are indefinite and unclear limitations in claim 1. In claim 2, "on one of an edge portion" is unclear and renders the claim indefinite.

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Moritz. Moritz teaches the claimed invention including link plates 2 and connecting rods 3. The rods are considered to have tapered sided fittings with concave openings 36/37 and the side plates have convex fittings 31 that connect the plates with the rods. Regarding claims 6 and 7, the material of the rod and plates are considered to be a sealing material as broadly set forth in the claim.

4. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Schumann. Schumann teaches the claimed invention including link plates generally at 20 and a connecting rod at 22. The rod (See Fig. 13) is considered to have fittings with concave openings between walls 33a/33b and 66/68 and the side plates have convex fittings 24a and 24b for connecting the plates to the rods. Regarding claims 4 and 5, the members 68 and 88 are considered to be pawls and the members 69 and 89 are considered to be pawl grooves. Regarding claims 6 and 7, the material of the rod and plates are considered to be a sealing material as broadly set forth in the claim.

5. Claims 1-4, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Weber. Weber teaches the claimed invention including link plates generally at 1 and 2 and connecting rods 3 and 4. The rods (See Fig. 4) are considered to have fittings with concave openings at 30/31 and the side plates have convex fittings (not numbered) for

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connecting the plates to the rods. Regarding claims 6 and 7, the material of the rod and plates are considered to be a sealing material as broadly set forth in the claim.

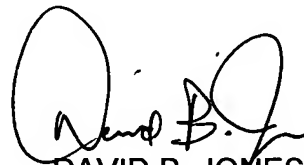
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to David B. Jones whose telephone number is (703) 308-1887.

Any inquiry of general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

In the event that the Applicant (s) wishes to communicate via Fax number for Group 3700 is (703) 872-9306.

wahp

A handwritten signature in black ink, appearing to read "David B. Jones", is positioned above the printed name.

DAVID B. JONES
PRIMARY PATENT EXAMINER
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